

Application No. 10/763,634

AMENDMENT AND RESPONSE TO OFFICE ACTION dated January 6, 2006

Reply to Office Action of November 2, 2005

### REMARKS

We wish to thank the Examiner for the courtesy extended in conducting a telephone interview today. The Examiner's comments were very helpful. In the interview, the Examiner agreed that the claims as amended herein would be allowable over the art cited in the rejection, but indicated that he would need to review the art of record and update the search.

Claims 1-8 are pending. Claims 1-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by US 5,826,492 (Fond et al. [hereinafter Fond]). Claims 7-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fond in view of US 6,499,388 (Schmed). Claim 1 has been amended to better describe the motion of the cartridge holder. We request reconsideration and allowance for the reasons set forth below.

#### **I. Rejections under 35 U.S.C. § 102 to Fond**

Claims 1-6 were rejected as being anticipated by Fond, with reference to Figures 10 and 11.

Claim 1 requires the cartridge holder to pivot into contact with the lower part. With Fond's lower portion 76 permanently mounted to the chassis arm, no such movement of a cartridge holder is disclosed in Fond.

#### **II. Rejections under 35 U.S.C. § 103(a) to Fond in view of Schmed**

Claims 7 and 8 were rejected as being obvious over Fond in view of Schmed. Claims 7 and 8 ultimately depend from independent claim 1 and are therefore believed to be allowable.

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For the reasons set forth above, reconsideration and allowance of all claims are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Dated: January 6, 2006

  
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